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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/802,342
	<b>Filing Date</b>	March 17, 2004
	<b>First Named Inventor</b>	Peter M.J. Bedding
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> 7593-CIP

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <p style="text-align: center;"><b>Transmittal of IDS Within Three Months of Filing or Before Mailing of First Office Action</b></p>
<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Remarks</div> </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Leslie S. Miller Reinhart Boerner Van Deuren s.c.
Signature	
Date	May 19, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <span style="border: 1px solid black; padding: 2px;">May 19, 2004</span>			
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PATENT APPLICATION

By: Leslie S. Miller  
Leslie S. Miller

Date: May 19, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: UNKNOWN

EXAMINER: UNKNOWN

In re application of: Bedding et al. )

Application No: 10/802,342 )

Filed: March 17, 2004 )

Attorney Docket No. 7593-CIP )

For: NUTRITIONAL PRODUCT  
AND METHOD FOR  
OPTIMIZING NUTRITIONAL  
UPTAKE IN EQUINE FOALS  
AND OTHER ANIMALS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 19, 2004

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF  
FIRST OFFICE ACTION (37 CFR 1.97(b))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

**NOTE:** The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another

language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

## IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.

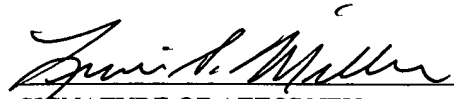
**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Dated: May 19, 2004  
Reg. No. 30,662  
Tel. No.: (414) 298-8321

  
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 4

**Complete if Known**

Application Number	10/802,342
Filing Date	March 17, 2004
First Named Inventor	Peter M. J. Bedding
Group Art Unit	
Examiner Name	
Attorney Docket Number	7593-CIP

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 4,729,896	03/1988	Sawhill	
		US- 5,505,968	04/1996	Schaefer et al.	
		US-5,589,186	12/31/1996	Isobe et al.	
		US-5,660,852	08/1997	McKeown et al.	
		US- 5,759,537	06/02/1998	Garnett	
		US- 6,019,995	02/01/2000	Steensma	
		US- 6,045,834	04/04/2000	Howes et al.	
		US- 6,117,458	09/12/2000	Morgan	
		US- 6,344,221	02/05/2002	Evans	
		US- 6,410,067	06/2002	Kanter et al.	
		US- 6,451,370	09/17/2002	Anderson	
		US- 6,537,544	03/25/2003	Loenner	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO99/18188	04/15/1999	Johansson et al.		

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Considered

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 2 of 4

**Complete if Known**

Application Number	10/802,342
Filing Date	March 17, 2004
First Named Inventor	Peter M. J. Bedding
Group Art Unit	1615
Examiner Name	
Attorney Docket Number	7593-CIP

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"B-Glucan", website at <a href="http://www.lsbu.ac.uk/water/hygly">www.lsbu.ac.uk/water/hygly</a> , pp. 1-2.	
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		"Ultra Mannan Oligosaccharide", <a href="http://www.ultrateck.net/petfood/yeasts.html">www.ultrateck.net/petfood/yeasts.html</a> , pp. 1-2.	
		"DevRx Laboratories, Inc. makes horses healthier with BioEquine™!" <a href="http://horses.about.com/cs/news/a/bioequine1592.html">horses.about.com/cs/news/a/bioequine1592.html</a> .	
		MILLER, ALAN L., ND, "Therapeutic Considerations of L-Glutamine: A Review of Literature", <a href="http://www.thorne.com/altmedrev/fulltext/glutamine4-4.html">www.thorne.com/altmedrev/fulltext/glutamine4-4.html</a> , December 2002, pp. 1-12.	
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		"DrHormone.com - Vitamins and Supplements", <a href="http://www.schwarzbeinprinciple.com/pgs/vitamins_01.html">www.schwarzbeinprinciple.com/pgs/vitamins_01.html</a> , pp. 1-5.	

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Sheet 3 of 4

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Application Number	10/802,342
Filing Date	March 17, 2004
First Named Inventor	Peter M. J. Bedding
Group Art Unit	1615
Examiner Name	
Attorney Docket Number	7593-CIP

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		"Single Amino Acids", <a href="http://www.intensivenutrition.com/SingleAminoAcids.htm">www.intensivenutrition.com/SingleAminoAcids.htm</a> , pp. 1-5.	
		"Solgar Amino Acids", <a href="http://www.allabout-solgar-vitamins.com/solgar-amino-acids.html">www.allabout-solgar-vitamins.com/solgar-amino-acids.html</a> , pp. 1-4.	
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		"Frequently Asked Questions: How Common is EGUS?", <a href="http://gastrogard.us.merial.com/faq.asp">gastrogard.us.merial.com/faq.asp</a> , pp. 1-4.	
		"Sites of Drug Action", <a href="http://www.egus.org/vet/treatment4.htm">www.egus.org/vet/treatment4.htm</a> , pp. 1-3.	
		"The Truth: About Beta Glucan Products", <a href="http://www.beta-glucan-13d.com">www.beta-glucan-13d.com</a> , pp. 1-4.	
		LANIGAN, A.J., "Uptake Mechanism of Beta Glucan", <a href="http://www.Beta-glucan-13d.com/beta-glucan-mechanism.htm">www.Beta-glucan-13d.com/beta-glucan-mechanism.htm</a> , pp. 102.	
		"Beta Glucan Research - Saccharomyces cerevisiae", <a href="http://www.betaglucan.org">www.betaglucan.org</a> , pp. 1-7.	
		"β-glucan", <a href="http://www.ceapro.com/_pages/Beta_glucan.htm">www.ceapro.com/_pages/Beta_glucan.htm</a> , one page.	
		"Phospholipids", <a href="http://users.rcn.com/jkimball.ma.ultranet/BiologyPages/P/Phospholipids.html">users.rcn.com/jkimball.ma.ultranet/BiologyPages/P/Phospholipids.html</a> , one page.	
		"oligosaccharide", <a href="http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861634848">encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861634848</a> , one page.	

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Sheet 4 of 4

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		"Re: ProfHeath--membrane synthesis", 216.239.33.100/search?q=cache:H3_DvEn0rMEC:www.cquest.utoronto.ca/botany/bio250y/talk/lectures/lec3/mesages.html, one page.	
		RUSSETT, Dr. J.C., "Specialty Products Research Notes: Lecithin and Equine Ulcers", Central Soya, LEC-H-55, March 2002, pp. 1-10.	
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		MILLER, ALAN L, M.D., "Therapeutic Considerations of L-Glutamine: A Review of the Literature", pp. 1-11.	
		REYNOLDS, JUDITH A., Ph.D, P.A.S., "Are You Feeding Your Horse Like a Horse?", Moorman's Feed Facts, October 2000, pp. 1-4.	

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